

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 29.85
Title 14, California Code of Regulations (CCR)
Re: Sport Dungeness Crab Opening Dates

- I. Date of Initial Statement of Reasons: August 28, 2006
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: August 4, 2006
Location: Sacramento, CA
- (b) Discussion Hearings: Date: October 6, 2006
Location: San Diego, CA
- Date: November 3, 2006
Location: Redding, CA
- (c) Adoption Hearing: Date: December 8, 2006
Location: Santa Monica, CA
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- Section 29.85, Title 14, CCR, specifies the opening and closing dates for the recreational Dungeness crab season. In Del Norte, Humboldt and Mendocino counties, the fishery is open from the Saturday preceding December 1, or December 1 when it falls on Saturday, through July 30. In all other counties, the season is open from the Saturday preceding the second Tuesday in November, through June 30.
- The Department proposes the Commission slightly modify the language of these opening dates to improve clarity and understanding for the public. The proposed regulations would read so that in Del Norte, Humboldt and Mendocino counties, the fishery would be open from the last Saturday in November through July 30, and that in all other counties, the fishery would be open from the first Saturday in November through June 30. The simplified regulatory text should make it easier for most anglers to determine the opening date quickly, and possibly without needing to consult a calendar.

In comparing each year's opening date under the proposed regulatory language with the opening date that results under the current regulatory text, the actual opening date will be the same in most years, and thus, the proposed regulation change is expected to have no real effect on the water. The "head start" that the sport fishery is provided in advance of the commercial opener will continue for all areas of the state, and for about the same number of days.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.
Reference: Sections 200, 202, 204, 205, 206 and 220, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

The Department considered a public proposal to change the opening date for all areas other than Del Norte, Humboldt and Mendocino counties to November 1. Based on the Commission's policy regarding season opening dates, which states that "where and when practical, hunting and fishing seasons will open on a Saturday", the Department rejected this alternative. While no single opening date will accommodate all interested participants, Saturdays are preferred as a matter of convenience given many work week schedules, and the present crab opening dates are both on Saturdays.

- (b) No Change Alternative:

Should the Commission select the No Change Alternative, there will continue to be confusion resulting from the unduly cumbersome language used to define the crab opening dates found in the present regulations.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The change is proposed only to improve clarity and public understanding of the sport Dungeness crab opening dates.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed change is not likely to have any economic impact as the new regulations will only make the opening date more clear. The proposed regulations would allow for the season to open the last Saturday in November in Del Norte, Humboldt and Mendocino counties, and for all other areas in California, it would open the first Saturday of November. In most years, the actual opening date would be no different than under present regulations.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

Informative Digest/Policy Statement Overview

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